THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.NO.3344 OF 2005

ORDER:

This writ petition is filed seeking a mandamus declaring the order passed by the third respondent in proceedings Rc.No.2774/2003-C, dated 15.01.2005, as arbitrary, illegal and contrary to Section 46 of the A.P. Cooperative Societies Act, 1964 (for short "the Act") and consequently set aside the same.

Under the impugned proceedings, dated 01.10.2003, the third respondent issued surcharge orders under Section 60(1) of the Act holding that the petitioners are responsible for causing loss to the assets of the bank. Aggrieved by the same, this writ petition is filed.

It is the contention of the learned counsel for the petitioners that certain documents, such as, action taken report before the Lokayuktha, are not furnished to the petitioners in spite of his request. Therefore, I am of the opinion that the petitioners can very well raise the same before the Appellate Authority under Section 76 of the Act as available against the impugned proceedings passed under Section 60(1) of the Act

With the above observation, the writ petition is closed giving liberty to the petitioners to file an appeal under Section 76 of the Act within a period of three weeks from the date of receipt of a copy of this order. On such appeal, the same shall be entertained by the Tribunal without raising any objection as to the limitation. Till the appeal along with stay petition is filed and that till the stay petition is disposed of, no coercive steps should be taken by the respondents.

21-12-2006

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